

05-04-01

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05/03/01
10962 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11046 U.S. PTO
09/848664
05/03/01

Applicants: Shelly E. Sakiyama-Elbert and Jeffrey A. Hubbell

Serial No.: CON of 09/298,084

Express Mail Label
No.: EL 717 750 047 US

Filed: May 3, 2001

Date of Deposit: May 3, 2001

For: CONTROLLED RELEASE OF NON-HEPARIN BINDING GROWTH
FACTORS FROM HEPARIN CONTAINING MATRICES

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR FILING A
CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a Request for Filing a Continuation Application Under 37 C.F.R.
§ 1.53(b), of pending prior application Serial No. 09/298,084, filed April 22, 1999, by
Shelly E. Sakiyama-Elbert and Jeffrey A. Hubbell, for "Controlled Release Of Non-
Heparin Binding Growth Factors From Heparin Containing Matrices".

The application includes 1 page of abstract, 28 pages of specification, 8 pages of
claims, 3 pages of informal drawings, and a copy of the executed Declaration for Patent
Application from prior application U.S. Serial Number 09/298,084.

The attorney of record in the prior application was changed to Patrea L. Pabst,
Registration No. 31,284. Please address all future correspondence to:

Patrea L. Pabst
Holland and Knight LLP
One Atlantic Center, Suite 2000
Atlanta, GA 30309-3400

(404) 881-0471
(404) 817-8473 (fax)
email: ppabst@hklaw.com

A Preliminary Amendment is enclosed. Please amend the application in
accordance with the Preliminary Amendment.

Applicant hereby requests that the computer readable form of the Sequence
Listing submitted in U.S. Serial No. 09/298,084, filed April 22, 1999 be used in the
above-identified application. The computer readable form to be used was mailed in U.S.
Serial No. 09/298,084 on September 29, 2000. The material on the diskette submitted in
U.S. Serial No. 09/298,084 is identical to the paper copy of the Sequence Listing
submitted in the above-identified application, and the Sequence Listing does not add new
matter to the application.

This application is entitled to claim small entity status pursuant to 37 C.F.R.
§ 1.27.

A check in the amount of \$355.00 is enclosed to cover the filing fee for a small
entity. It is believed that \$355.00 is the proper filing fee, as the application contains
3 independent claims and a total of 20 claims upon entry of the enclosed Preliminary

Continuation of U.S.S.N. 09/298,084
Filed: May 3, 2001
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Amendment. A check in the amount of \$55.00 is also enclosed to cover the fee for a one month extension of time in the parent application, U.S. Serial No. 09/298,084. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-1667. A duplicate of this request is enclosed to facilitate this purpose.

This application is being filed on May 3, 2001, by mailing the application to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231, via the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10. The Express Mail label number appears in the heading of this paper, which is attached to the application, pursuant to 37 C.F.R. § 1.10(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of

Continuation of U.S.S.N. 09/298,084
Filed: May 3, 2001
Express Mail Label No.: EL 717 750 047 US
Date of Deposit: May 3, 2001

Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,




Patrea L. Pabst
Reg. No. 31,284

Date: May 3, 2001
HOLLAND & KNIGHT LLP
One Atlantic Center, Suite 2000
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817-8473
(404) 881-0470 (fax)

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 1.10

I hereby certify that this Request for Filing a Continuation Application Under 37 C.F.R. § 1.53(b), and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, May 3, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label No. EL 717 750 047 US addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.


Patrea L. Pabst

Date: May 3, 2001

(Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.)

FEE TRANSMITTAL

for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\$)410.00
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Complete if Known

Application Number	Continuation of 09/298,084
Filing Date	May-3, 2001
First Named Inventor	Shelly E. Sakiyama-Elbert
Examiner Name	M. Brannock
Group Art Unit	1646
Attorney Docket No.	ETH 108 CON

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	50-1667
Deposit Account Name	Holland & Knight LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money Order
- ☐
- Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)	(\$) 355.00
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2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	20 -20 = 0	0	0
Independent Claims	2 -3 = 0	0	0
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)	(\$) -0-
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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity		Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	390	216	195	Extension for reply within second month
117	890	217	445	Extension for reply within third month
118	1,390	218	695	Extension for reply within fourth month
128	1,890	228	945	Extension for reply within fifth month
119	310	219	155	Notice of Appeal
120	310	220	155	Filing a brief in support of an appeal
121	270	221	135	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,240	241	620	Petition to revive - unintentional
142	1,240	242	620	Utility issue fee (or reissue)
143	440	243	220	Design issue fee
144	600	244	300	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petitions related to provisional applications
126	240	126	240	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))
179	710	279	355	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)	(\$)
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SUBMITTED BY

Name (Print/Type)	Patrea L. Rabst
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Signature

Registration No.
(Attorney/Agent)

31,284

Complete (if applicable)

Telephone	404-817-8473
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Date

May 3, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.